



ATTORNEY'S DOCKET NO.: 2003080-0082 (SK-744-CON3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Danishefsky *et al.*  
Serial No.: 09/874,514  
Filed: June 5, 2001

Examiner: T. Solola  
Group Art Unit: 1626

For: *Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof*

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3-1-02

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants request consideration of this Supplemental Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

[X] This Supplemental Information Disclosure Statement has been filed:

1. [ ] within three months of the filing date of the above identified U.S. Patent application other than a continued prosecution application under § 1.53(d);
2. [ ] within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application;
3. [X] before the mailing date of the first Office Action on the merits in the above-identified application; or
4. [ ] before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

No fee or certification is required.

PART II - 37 CFR § 1.98 Content of Supplemental Information Disclosure Statement:

[X] Applicants hereby make of record in the above-identified application all patents, publications, applications or other information submitted for consideration by the Office listed on the attached form PTO-1449 (modified). The order of presentation of the patents, publications, applications or other information should not be construed as an indication of the importance.

PART III: Remarks:

A copy of each of the above-identified U.S. and foreign patent(s), publication(s), application(s) or other information submitted is enclosed unless otherwise indicated.

Please note that the specifications of cited applications 09/686,158 and 10/004,571 are identical to the specification of the above-referenced patent application and were also originally filed with original claims 1-58 pending. Instead of providing a copy of the entire application, Applicants have provided copies of any additional claims (e.g., claim 59 for 10/004,571) or amended claims (e.g., claims soon to issue for 09/686,158).

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s), publication(s), application(s), or other information be printed on any patent which issues from this application.

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited materials. An early and favorable action is hereby requested.

Respectfully submitted,

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I hereby certify that this correspondence is being  
deposited with the United States Postal Service as first  
class mail in an envelope addressed to: Assistant  
Commissioner For Patents, Washington, D.C. 20231  
on January 28, 2002  
Karen E. Nease